

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATORY ACTION**

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2  
AMEND CHAPTER 6.5, ARTICLE 8, SECTION 1270

### **MOTOR CARRIER SAFETY GENERAL EQUIPMENT REQUIREMENTS - SEATS (CHP-R-2001-09)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), relating to bus driver's seat adjustability.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Title 13 CCR, Chapter 6.5, Article 8 sets forth general equipment requirements for commercial vehicles. The CHP proposes to amend Section 1270 of that article by revising the requirements for driver's seats on buses.

Current safety regulations require that the driver's seat in a Type 1 bus (designed for carrying more than 16 passengers and the driver) be readily adjustable, both backward and forward, and up and down, independently of each other. The Department has become aware that some Type 1 buses are now equipped with drivers' seats that adjust backward and forward, and up and down, but not necessarily independently of each other. The Department's intent in originally adopting this requirement was to assure some seat adjustability so that drivers of varying physical stature could adequately access the driver's controls. However, it is not the Department's intent to require driver's seat adjustability beyond that provided by the original manufacturer of the bus, but merely to assure that the bus seat is maintained by the bus owner in such a manner that the degree of adjustability provided by the original manufacturer is retained. Therefore, the Department is proposing to clarify this requirement by continuing to require that the driver's seat be adjustable backward and forward, but to permit that upward and downward adjustability be either independent or incorporated into the forward and backward adjustability.

## **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

California Highway Patrol  
Enforcement Services Division  
ATTN.: Mr. Jack Schwendener  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 4:45 p.m., April 8, 2002.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Enforcement Services Division no later than 15 days prior to the close of the written comment period.

## **AVAILABILITY OF INFORMATION**

The Department has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the foregoing address, by facsimile at (916) 446-4579 or by calling the Commercial Vehicle Section at (916) 445-1865.

All requests for information should include the following information: The title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento, California. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

## **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations or questions regarding the substance of the proposed regulations should be directed to Mr. Jack Schwendener or Mr. Gary Ritz, CHP, Commercial Vehicle Section at (916) 445-1865.

### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **EFFECT ON SMALL BUSINESSES**

The California Highway Patrol has determined that the proposed regulatory action may affect small businesses.

### **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the Department may adopt the proposals substantially as set forth without further notice. If the proposal is modified prior to adoption and the changes are not solely grammatical or nonsubstantial in nature, the full text of the resulting regulations, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

### **FISCAL AND ECONOMIC IMPACT**

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

### **ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### **AUTHORITY**

This regulatory action is being taken pursuant to Vehicle Code Sections 31401, 34501, and 34501.5.

### **REFERENCE**

This action implements, interprets, or makes specific Vehicle Code Sections 31400, 31401, 34501, and 34501.5.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
S. H. PEREZ, Chief  
Enforcement Services Division